

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 11, 13-15, and 18-22 are active in this application. In the present amendment, Claims 1 and 13 are amended, Claims 18-22 are added, Claim 12 is canceled, and Claims 16 and 17 are withdrawn from consideration. The changes to Claims 1 and 13 and the addition of Claims 18-22 are supported in the originally filed disclosure at least at the description of Example B. Thus, no new matter is added.

The outstanding Office Action rejected Claims 1 and 11-14 under 35 U.S.C. § 102(b) as anticipated by Hikata (JP 07-094193) and Claim 15 under 35 U.S.C. § 103(a) as unpatentable over Hikata.

The Specification is amended only for clarity by more explicitly referring to a paragraph that had been numbered as [0084] in the filed Specification but is numbered as [00173] in the published Specification.

In light of the cancellation of Claim 12, the rejection of Claim 12 is addressed in the discussion of Claim 1, which incorporates the subject matter of Claim 12. Applicants respectfully traverse the rejections of Claims 1, 11, and 13-15 and discuss the patentability of new Claims 18-22.

Amended Claim 1 recites “said **active material being processed** to be a zinc sheet or a zinc can for anode **in a range of more than 118 degrees Centigrade to less than 230 degrees Centigrade**, an **average grain diameter** of said zinc sheet and said zinc can being **in a range of 7.7 to 20.6 μm** , and said **active material** which is a piece of 10 cm² (width times length) **decreases 3.9 mg of its weight or less due to corrosion after** being laid still in a constant temperature water chamber filled with an **electrolyte having a concentration of**

2.9 ppm nickel, 0.40 ppm cobalt, and 0.86 ppm copper for 66 hours in a temperature of 45 degrees Centigrade.”

With regard to Claim 12 in the previous response, the outstanding Office Action concedes that “Hikata does not specifically teach that the disclosed material exhibits the recited change in weight due to corrosion upon exposure to the electrolyte solution as claimed” but asserts that the composition is the same and, thus, the properties must be the same. Specifically, the outstanding Office Action cites MPEP § 2112.01(II) to assert that identical chemical compositions will inherently have identical corrosion performances.

However, Claim 1 recites an active material “comprising: zinc” as defined by the claim. Every active material comprising zinc as a major substance cannot reasonably be asserted to have identical corrosion performances, and the outstanding Office Action asserts no rationale for the assertion.

Further, the discussion in the Specification clearly refutes such an assertion. As recited at paragraph [0006] of the published Specification:

Technical development has been conducted for a long time to create active material for a **zinc battery anode without adding lead and yet ensuring corrosion resistance** and enough process ability. But **so far none is successful to fulfill both requirements**, and a battery lead additive-free is not available. Shortcomings of the technical development are in corrosion resistance and in process ability. Emphasis added.

Paragraphs [0007] and [0173] to [0175] of the published Specification provide exemplary discussions of the test of corrosion resistance and process-ability in the present application that were not practical in Hikata.

Because Hikata does not teach or suggest every element of amended Claim 1, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn.

New Claim 18 patentably defines over Hikata because, not only does Claim 18 recite “said active material which is a piece of 10 cm² (width times length) decreases 3.9 mg of its weight or less due to corrosion after being laid still in a constant temperature water chamber filled with an electrolyte having a concentration of 2.9 ppm of nickel, 0.40 ppm of cobalt, and 0.86 ppm of copper for 66 hours in a temperature of 45 degrees Centigrade” discussed above as deficient in Hikata, but Claim 18 also recites “one selected from 0.0003 percent by mass or more and 0.003 percent by mass or less of magnesium,” which is also deficient in Hikata.

New Claims 19-22 depend from Claim 18 and, therefore, patentably define over Hikata for at least the same reasons as Claim 18.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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